BANNING MICKLOW & BULL LLP Eugene A. Brodsky, SBN 36691 Kurt Micklow, SBN 113974 Edward M. Bull, III, SBN 141996 One Market, Steuart Tower, Suite 1440 San Francisco, California 94105 Telephone: (415) 399-9191 Facssimile: (415) 399-9192 KEMNITZER, ANDERSON, BARRON & OGILVIE, LLP Mark F. Anderson, SBN 44787 Matthew S. Da Vega, SBN 195443 445 Bush Street, 6 th Floor San Francisco, CA 94108 Telephone: (415) 861-2265 Facsimile: (415) 861-3151 Attorneys for Plaintiff Clyde Wylie and the Proposed Plaintiff Class SEYFARTH SHAW LLP Robert W. Tollen, SBN 38875 Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. Defendants. Case No. C06-7228 MJJ CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]				
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Mark F. Anderson, SBN 44787 Matthew S. Da Vega, SBN 195443 445 Bush Street, 6" Floor San Francisco, CA 94108 Telephone: (415) 861-2265 Facsimile: (415) 861-3251 Attorneys for Plaintiff Clyde Wylie and the Proposed Plaintiff Class SEYFARTH SHAW LLP Robert W. Tollen, SBN 38875 Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8849 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, Vs. Plaintiff, Vs. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		Telephone: (415) 399-9191 Facsimile: (415) 399-9192		
Mark F. Anderson, SBN 44787 Matthew S. Da Vega, SBN 195443 445 Bush Street, 6" Floor San Francisco, CA 94108 Telephone: (415) 861-2265 Facsimile: (415) 861-3251 Attorneys for Plaintiff Clyde Wylie and the Proposed Plaintiff Class SEYFARTH SHAW LLP Robert W. Tollen, SBN 38875 Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, Vs. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		KEMNITZER. ANDERSON. BARRON &	& OGILVIE, LLP	
San Francisco, CA 94108 Telephone: (415) 861-3265 Facsimile: (415) 861-3151 Attorneys for Plaintiff Clyde Wylie and the Proposed Plaintiff Class SEYFARTH SHAW LLP Robert W. Tollen, SBN 38875 Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. Clase No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants.		Mark F. Anderson, SBN 44787	,	
Telephone: (415) 861-2365 Facsimile: (415) 861-3151 Attorneys for Plaintiff Clyde Wylie and the Proposed Plaintiff Class SEYFARTH SHAW LLP Robert W. Tollen, SBN 38875 Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		445 Bush Street, 6 th Floor		
and the Proposed Plaintiff Class SEYFARTH SHAW LLP Robert W. Tollen, SBN 38875 Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, Vs. Clase No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)] [FRCP RULE 15(a)]		Telephone: (415) 861-2265		
and the Proposed Plaintiff Class SEYFARTH SHAW LLP Robert W. Tollen, SBN 38875 Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, Vs. Plaintiff, Vs. FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. CLYDE WYLIE (STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		Attorneys for Plaintiff Clyde Wylie		
Robert W. Tollen, SBN 38875 Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. Plaintiff, vs. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]				
Alison B. Moser, SBN 223065 560 Mission Street, Suite 3100 San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. Plaintiff, vs. FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. CLYDE WYLIE, on behalf of himself and all others similarly situated, Clase No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]				
San Francisco, CA 94105 Telephone: (415) 397-2823 Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, Vs. Plaintiff, Vs. FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		Alison B. Moser, SBN 223065		
Facsimile: (415) 397-8549 Attorneys for Defendant Foss Maritime Company UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. Plaintiff, vs. FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]				
UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. Plaintiff, vs. POSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		Telephone: (415) 397-2823		
UNITED STATES DISCTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, Vs. Plaintiff, Vs. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)] [FRCP RULE 15(a)]		Attorneys for Defendant		
CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. POSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		Foss Maritime Company		
CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, vs. POSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]				
CLYDE WYLIE, on behalf of himself and all others similarly situated, Plaintiff, Vs. POSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. Case No. C06-7228 MJJ CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]	UNITED STATES DISCTRICT COURT			
Plaintiff, vs. Plaintiff, FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)] [FRCP RULE 15(a)]	NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff, vs. Plaintiff, FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)] [FRCP RULE 15(a)]				
Plaintiff, vs. Plaintiff, FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, CLASS ACTION STIPULATION AND PROPOSED ORDER REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)] [FRCP RULE 15(a)]		CLYDE WYLIE, on behalf of himself	Case No. C06-7228 MJJ	
vs. REGARDING FILING OF SECOND AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)] Defendants. REGARDING FILING OF SECOND AMENDED CLASS ACTION (COMPLAINT AND ANSWER THERETO)		and all others similarly situated,	CLASS ACTION	
FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. AMENDED CLASS ACTION COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		Plaintiff,	STIPULATION AND PROPOSED ORDER	
FOSS MARITIME COMPANY, a Washington corporation, and DOES 1-25, inclusive, Defendants. COMPLAINT AND ANSWER THERETO [FRCP RULE 15(a)]		VS.		
Washington corporation, and DOES 1-25, inclusive, Defendants.			COMPLAINT AND ANSWER THERETO	
Defendants.		Washington corporation, and DOES 1-	[FRCP RULE 15(a)]	
		,		
		2 4.4		

Individual and Representative Plaintiff Clyde Wylie on behalf of himself and all others similarly situated ("Plaintiff") and Defendant Foss Maritime Company ("Foss") hereby submit their Stipulation and Proposed Order Regarding Filing of Second Amended Class Action Complaint and Answer thereto as follows:

RECITALS

On August 25, 2006, Plaintiff filed this action against Foss in the Contra Costa Superior Court (*Wylie v. Foss Maritime Company*, Case No. C06-01685) ("the State Court Action");

On or about October 20, 2006, Plaintiff filed his First Amended Complaint in the State Court Action and the summons and First Amended Complaint were thereafter served on Foss on or about October 23, 2006;

On or about November 20, 2006, Foss filed its Response to the First Amended Complaint in the State Court Action;

On or about November 22, 2006 Foss filed its Notice of Removal in this Court which removed the State Court Action to federal court pursuant to the Class Action Fairness Act of 2005;

Plaintiff desires to file a Second Amended Class Action Complaint which adds three current and/or former employees of Foss as representative plaintiffs;

Defendant Foss is willing to consent to the filing of Plaintiff's Second Amended Complaint provided that its Response to the First Amended Complaint, that generally denies the allegations of the First Amended Complaint and raises affirmative defenses, will be considered its answer to the Second Amended Complaint.

STIPULATION

Accordingly, Plaintiff and Defendant Foss hereby stipulate and agree, by and through their respective counsel of record herein, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure that the Court be respectfully requested to order that:

1) Plaintiffs' Second Amended Complaint attached herewith be filed; and

1	2) Defendant Foss' Response to the First Amended Complaint be deemed	
2	its Answer to Plaintiffs' Second Amended Complaint	
3		
4	Dated: May 8, 2007 BANNING MICKLOW & BULL LLP	
5		
6	By: /S/ Kurt Micklow	
7	Kurt Micklow	
8	Attorneys for the Plaintiffs	
9	and the Proposed Plaintiffs Class	
10	I hereby attest that I have written authorization for any signatures indicted by a	
11	"conformed" signature (/S/) within this efiled document.	
12	By: <u>/s/ Kurt Micklow</u> Kurt Micklow	
13	Kuit Mickiow	
14	Dated: May 8, 2007 SEYFARTH SHAW LLP	
15		
16	By: /S/ Robert W. Tollen	
17	Robert W. Tollen	
18	Attorneys for Defendant	
19	Foss Maritime Company	
20		
21	<u>ORDER</u>	
22	IT IS SO ORDERED	
23	IT IS SO ORDERED.	
24	Dated:5/23/07UNITED STATES DISTRICT JUDGE	
25		
26		
27		
28	-2-	